

LEGISLATURE OF NEBRASKA

NINETY-NINTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 784

Introduced by Mines, 18

Read first time January 4, 2006

Committee: Judiciary

A BILL

1 FOR AN ACT relating to public access to public lands; to amend
2 section 18-1755, Reissue Revised Statutes of Nebraska,
3 and section 2-3235, Revised Statutes Supplement, 2004;
4 to require a duty for natural resources districts; to
5 require a duty for cities and villages; and to repeal the
6 original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-3235, Revised Statutes Cumulative
2 Supplement, 2004, is amended to read:

3 2-3235 (1) Each district shall have the power and
4 authority to cooperate with or to enter into agreements with
5 and, within the limits of appropriations available, to furnish
6 financial or other aid to any cooperator, any agency, governmental
7 or otherwise, or any owner or occupier of lands within the district
8 for the carrying out of projects for benefit of the district as
9 authorized by law, subject to such conditions as the board may deem
10 necessary. The district shall ensure that such a project guarantees
11 to the public a right of access for recreational use that meets or
12 exceeds such a right held by a private landowner adjacent to the
13 project.

14 (2) As a condition to the extending of any benefits to
15 or the performance of work upon any lands not owned or controlled
16 by this state or any of its agencies, the directors may require
17 contributions in money, services, materials, or otherwise to any
18 operations conferring such benefits and may require landowners to
19 enter into and perform such agreements or covenants as to the
20 permanent use of such lands as will tend to prevent or control
21 erosion thereon.

22 (3) Each district may make available, on such terms as
23 it shall prescribe, to landowners within the district specialized
24 equipment, materials, and services which are not readily available
25 from other sources and which will assist such landowners to carry

1 on operations upon their lands for the conservation of soil and
2 water resources and for the prevention and control of soil erosion.
3 Whenever reasonably possible, purchases or contracts for such
4 equipment shall be made from retail establishments.

5 Sec. 2. Section 18-1755, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 18-1755 A city of the metropolitan, primary, first, or
8 second class or village acquiring an interest in real property by
9 purchase or eminent domain shall do so only after the governing
10 body has authorized the acquisition by action taken in a public
11 meeting after notice and public hearing. The city or village shall
12 ensure that the public has a right of access to the real property
13 acquired for public purposes that meets or exceeds such a right
14 held by a private landowner adjacent to the real property.

15 Sec. 3. Original section 18-1755, Reissue Revised
16 Statutes of Nebraska, and section 2-3235, Revised Statutes
17 Supplement, 2004, are repealed.